

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

MARINE OFFICE OF AMERICA CORP, ET ALS.*
Plaintiffs *

v. *

LILAC MARINE CORPORATION, ET ALS.*
Defendants *

* * * * *

CIVIL NO. 98-2359 (GG)

AMENDED ORDER AND JUDGMENT

On November 21, 2003, we ordered defendant Lilac Marine Corporation to show cause by December 2, 2003, why this court should not find it in default and enter judgment by default in view of the factual representations made by its counsel of record, Jorge Blasini, Esq., regarding Lilac's lack of interest in defending in this case. **See**, Docket entries #64 & 65. As of today¹, more than fourteen days have elapsed without Lilac showing cause as ordered, thus showing lack of interest in defending in this case. In view of this, we will proceed as intimated in our order to show cause. Accordingly, **DEFAULT** is hereby entered against defendant Lilac Marine Corporation.

On the other hand, on November 13, 2003, we granted the plaintiffs' motion for partial summary judgment finding that they had established a *prima facie* case under COGSA and that the vessel here in question was unseaworthy. With this, the plaintiffs shifted to Lilac the burden of proof to establish the exercise of due diligence or that the damaged to the cargo was caused by one of the excepted

¹On December 29, 2003 the plaintiffs requested this court to amend our Judgment of December 17, 2003, in order to include the payment of pre-judgment interests.

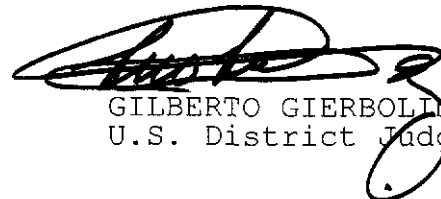
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causes listed in Section 1304(2) of COGSA. However, Lilac is now in default, so the only thing left to do in this case now is to enter judgment in favor of the plaintiffs. Moreover, in our Opinion and Order of November 13, 2003, we found that the method of computation of damages used by the plaintiffs was proper under the circumstances of this case. Therefore, in view of all of the above, we are in a position to enter judgment by default without any further hearing.

WHEREFORE, for the reasons herein stated, judgment is hereby entered against the defendants and in favor of the plaintiffs. Consequently, the defendants are **ORDERED** to pay to the plaintiffs the amount of \$124,995.14 plus pre-judgment interests from February 21, 1998 until the date of the judgment at the annual rate of 3%.

SO ORDERED AND ADJUDGED.

In San Juan, Puerto Rico, this 20th day of February, 2004.


GILBERTO GIERBOLINI
U.S. District Judge